

REMARKS

Claims 1-4, 7 and 9 are pending. By this Amendment, claim 1 is amended, and claims 5 and 6 are canceled without prejudice to or disclaimer of the subject matter contained therein. In particular, claim 1 incorporates the subject matter of claim 5.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1, 2, 5, 6 and 9 under 35 U.S.C. §103(a) over McKechnie (U.S. Patent No. 4,730,897) in view of Takuma (U.S. Patent No. 5,615,045); rejects claims 3 and 4 under 35 U.S.C. §103(a) over McKechnie in view of Takuma, and further in view of Goto 1 (U.S. Patent Application Publication No. 2003/0137729); and rejects claim 7 under 35 U.S.C. §103(a) over McKechnie in view of Takuma, and further in view of Goto 2 (U.S. Patent No. 6,046,855). The rejections are respectfully traversed.

In particular, neither McKechnie, Takuma, Goto 1 nor Goto 2, individually or in combination, discloses or suggests the light diffusing portion has a surface having substantially conical irregularities, as recited in independent claim 1. The Office Action asserts that the powder that McKechnie uses to make the diffraction pattern would make substantial conical irregularities. Applicants respectfully disagree.

In particular, McKechnie at col. 4, lines 18-20 discloses that roughness could be produced on a thick transparent substrate by grinding a surface with a rough (grade 100) carborundum powder. However, grinding the surface does not produce conical irregularities. That is, the term "conical" defines a shape that is like a cone. One skilled in the art would not recognize that merely by grinding a surface with a rough powder, would result in conical irregularities.

For example, Fig. 3 shows examples of a surface having conical irregularities. Accordingly, McKechnie does not disclose or suggest the above-noted features of claim 1.

Furthermore, none of the other applied references disclose or suggest this feature. Therefore, independent claim 1 defines patentable subject matter. Claims 2-4, 7 and 9 depend from independent claim 1, and therefore also define patentable subject matter. Accordingly, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

II. Provisional Double Patenting Rejection

The Office Action provisionally rejects claims 1, 2 and 9 under the judicially created doctrine of obviousness-type double patenting over claims 4 and 6 of copending application 10/647,302. The rejection is respectfully traversed.

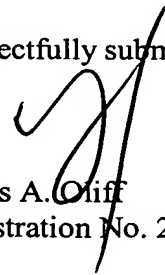
In particular, because this is a provisional double patenting rejection, Applicants will address the rejection when the Patent Office communication indicates that the claims are in condition for allowance except for the provisional double patenting rejection.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4, 7 and 9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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